

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MARCIA L. SMITH

PLAINTIFF

V.

CIVIL ACTION NO. 3:17-CV-450-TSL-RHW

**UNITED OF OMAHA LIFE INSURANCE COMPANY and
MUTUAL OF OMAHA INSURANCE COMPANY**

DEFENDANTS

NOTICE OF APPEAL

Notice is hereby given that United of Omaha Life Insurance Company and Mutual of Omaha Insurance Company, Defendants in the above named case, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Memorandum Opinion and Order under an ERISA Plan and denying Defendants' Motion for Summary Judgment, the Order Granting Plaintiff's Motion for Final Judgment and the Final Judgment entered in this action on the 15th day of October, 2018. A copy of said Orders are attached hereto collectively as Exhibit A.

Dated, this the 26th day of October, 2018.

Respectfully submitted,

**UNITED OF OMAHA LIFE INSURANCE
COMPANY AND MUTUAL OF OMAHA
INSURANCE COMPANY**

By: s/Kelly D. Simpkins

Kelly D. Simpkins (MSB #9028)

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CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing document using the Court's ECF system, which sent notification of such filing to the following:

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ATTORNEY FOR PLAINTIFF

This, the 26th day of October, 2018.

*s/Kelly D. Simpkins*_____